

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #1      Refugee Cash Assistance (RCA)/Entrant Cash Assistance (ECA) Amendments

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at public hearings to be held March 12, and 13, 2002, as follows:

March 12, 2002  
Community Care Licensing Regional Office  
100 Corporate Point #350  
(Entrance on Slausen)  
Culver City, California

March 13, 2002  
Office Building # 9  
744 P Street, Auditorium  
Sacramento, California

The public hearings will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearings immediately following the completion of testimony presentations. The above-referenced facilities are accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on March 13, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief, Office of Regulations Development, California Department of Social Services, 744 P Street, MS 7-192, Sacramento, California 95814

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## CHAPTERS

Chapter 69-200 (Refugee Resettlement Program), Sections 60-201 (General Statement), 69-202 (Immigration and Naturalization Service [INS] Status Requirements), 69-203 (Resettlement Agency, Sponsor and County Responsibilities), 69-204 (Eligibility for SSI/SSP and CalWORKs Programs), 69-205 (Eligibility for Refugee Cash Assistance [RCA]), 69-206 (Income and Resources), 69-207 (Registration, Employment and Employment-Directed Education/Requirements), 69-208 (Cause Determinations), 69-209 (Penalties for Failure or Refusal to Accept Employability Services or Employment), 69-210 (Notices and Hearings), 69-211 (Aid Payments), 69-212 (Overpayment/Underpayment Adjustment and Fraud Referrals), 69-213 (Unaccompanied Refugee Minors), 69-214 (Termination of Aid), 69-215 (Termination of Aid), 69-216 (Case Records), 69-217 (Claiming and Reimbursement); and Chapter 69-300 (Cuban/Haitian Entrant Program), Sections 69-301 (General Statement), 69-302 (Status Requirements), 69-303 (Time-Eligibility), 69-304 (Terminology), 69-305 (Unaccompanied Cuban/Haitian Entrant Minor), and 69-306 (Case Records).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

New federal regulations provide states with the option of operating a publicly administered Refugee Cash Assistance (RCA)/Entrant Cash Assistance (ECA) program consistent with the provisions of each state's Temporary Aid to Needy Families (TANF) Program with regard to determination of eligibility, treatment of income and resources, benefit levels and budgeting methods. This will allow California counties to operate their RCA programs in accordance with the California Work Opportunity and Responsibility to Kids (CalWORKs) program instead of the obsolete Aid to Families with Dependent Children (AFDC) program. California counties have been and are forced to maintain and apply two separate and distinctly different sets of program policies and procedures for their RCA and CalWORKs clients even though RCA eligibility and grants are determined across the state by TANF/CalWORKs workers and automated systems.

Current regulations allow persons granted asylum the same resettlement and medical assistance granted to refugees admitted for resettlement. However, very few asylees have ever been able to take advantage of this assistance because up to now the federal Office of Refugee Resettlement began the eligibility clock from the time the asylee entered the U.S. These emergency regulations change the eligibility starting date for asylees to the date they are granted asylum rather than the date they entered the U.S. making it possible for persons granted asylum to more readily access refugee resettlement assistance and benefits.

Current internal Social Security Administration (SSA) procedures for RCA clients, asylees and Cuban and Haitian entrants often deter these individuals from applying for and receiving social security numbers for several months after they receive their status. These regulations ensure that CWD's cannot deny RCA and services to asylees and Cuban and Haitian entrants.

Currently, prior to the CWD approving aid for refugees, the CWD must contact the responsible voluntary resettlement agency and inquire as to what assistance, if any, was provided to the refugee. This assistance is then counted against the eligibility determination of the cash assistance payment. These regulations change this process. The CWD may no longer consider any cash grant provided to the applicant by a voluntary resettlement agency reception and placement program in determining income eligibility for RCA.

Also, since regulations relating to refugee services programs are not amended regularly, obsolete

program references and current terminology are being amended at this time. These amendments include updating the term "Aid to Families with Dependent Children (AFDC)" to "California Work Opportunity and Responsibility to Kids (CalWORKs)" as a result of AB 1542, Chapter 270, Statutes of 1997 and updating the Department's acronym from "DSS" to "CDSS." In addition, nonsubstantive renumbering and reformatting is being done for clarity and to make the regulations more user friendly.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because this regulation does not affect any state agency or program.
2. Costs to Local Agencies or School Districts: No fiscal impact exists because this regulation does not affect any local entity or program.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: Funding for these regulation changes is included in the Fiscal Year 2001-02 appropriation of \$4,951,000 for the Refugee Cash Assistance Program.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified

and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 10554. Subject regulations implement and make specific Welfare and Institutions Code Sections 10553 and 10554; 45 CFR Sections 400 and 401; Federal Office of Refugee Resettlement (ORR) Letter #00-17, dated September 14, 2000; and Federal Office of Refugee Resettlement Letter #00-23, dated November 16, 2000; Federal Office of Refugee Resettlement State Letter, dated September 3, 1993; Federal Office of Refugee Resettlement State Letter, dated October 16, 1992; Federal Office of Refugee Resettlement State Letter, dated July 6, 1989; and Letter to H. Gary Mounts, Deputy Associate Administrator, ORR, dated March 4, 1988.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Anthony J. Velasquez	(916) 657-2586
Backup:	Rick Torres	(916) 657-2596

#### CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact:	Betts Smith	(916) 654-0495
Backup:	Linda Keene	(916) 654-2602

#### EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEM(S) FOR THESE PUBLIC HEARINGS - March 12, and 13, 2002

ITEM #1	ORD # 0601-13	Refugee Cash Assistance (RCA)/Entrant Cash Assistance (ECA) Amendments
ITEM #2	ORD # 0401-07	Residential Care Facilities for the Elderly (RCFE) Regulations cleanup